

Policy rule of the municipal council of the municipality of Leiden containing rules regarding the considerations for designation and protection of trees

Valid from 22-07-2021 to present

Intitulé

Policy rule of the municipal council of the municipality of Leiden containing rules regarding the considerations for designation and protection of trees

The council of the municipality of Leiden:

Having regard to the proposal of the mayor and aldermen (Council proposal 21.0073 of 2021), also having regard to the opinion of the Committee on Quality of Life and Accessibility,

DECISION

1. Establish the policy framework with considerations for designation and protection of trees Leiden 2021 in which a tree of an ecological species (at least 3 points on the ecological list) in the municipality of Leiden is called ecologically valuable if the planting year is more than 50 years ago, or has a trunk diameter of more than **50 centimeters** at 1.3 meters above ground level.
2. The Regulation amending the Leiden Physical Living Environment Regulation 2020, part green standard for valuable trees; reads as follows:

Regulation amending the Leiden Physical Living Environment Regulation 2020, part of the Green Standard for valuable trees.

Article I Amending the Regulation

The Leiden Physical Living Environment Regulation 2020 will be amended as follows.

Chapter 2, Section 2.4, Paragraph 2.4.1, Article 2.4.1.1(3)(b) is replaced by the following:

Chapter 2 Indications in the physical environment Section 2.4

Green

Section 2.4.1 Green Standard for valuable trees and tree structures

Article 2.4.1.1 Designation of valuable trees

...

3. A tree is in any case valuable if it meets at least one or more of the following values, explained in the Policy Framework with considerations for Designation and protection of Leiden trees:

- b. ecological values: in accordance with the Register of Ecological Trees with at least 3 points, with a minimum age of 50 years or minimum size of 50 centimeters trunk diameter at 1.3 meters above ground level (157 centimeters trunk circumference);

Artike.I. .II Entry into force

This amending Regulation shall enter into force on the first day following its publication.

Article III Citation title

This regulation is cited as the Leiden Physical Living Environment Regulation Amendment Regulation 2020, part of the Green Standard for valuable trees.

POLICY FRAMEWORK WITH CONSIDERATIONS FOR DESIGNATION AND PROTECTION OF TREES LEIDEN 2021

READING GUIDE

This policy framework has two functions. Firstly, it serves as an explanation of the part of the Physical Living Environment Regulation that relates to trees. These are sections 2.4.1, 3.6.1, and sections 4.1. and 5.1 of the Physical Environment Regulation.

Secondly, what is included in this policy framework is independently readable, and the policy framework has been established by decision of the city council together with the rules from the Physical Living Environment Ordinance, part trees. This policy framework is therefore also a policy rule within the meaning of the General Administrative Law Act and as such of direct effect on the implementation of what is included in the Physical Living Environment Regulation for this subject.

DIFFERENCES WITH THE TREES REGULATION 2015

The rules for felling and other activities on trees as currently included in the Physical Living Environment Regulation and in this policy framework differ from the rules as set out in the Trees Ordinance 2015, which is included in the Physical Living Environment Regulation as of 1 January 2021.

The most important changes are:

- The introduction of the Green Standard and the abolition of the Green Card
- Introduction of the Ecological Trees Register for the ecological value of trees
- The introduction of a reporting obligation for the 1 on 1 replacement of nuisance, sick and quaranting trees in public spaces
- Inclusion of thinning as a control measure
- Broadening of spending from the reserve tree fund
- Inclusion of protection of trees planted as part of a compensation obligation

With these changes, we expect to protect more trees sustainably because it allows the protection of truly valuable trees also on private land without dependence on nominations and removals by the rightful claimant as before on the Green Card.

By demanding more ecologically valuable trees in compensation plans and protecting these trees earlier, the quality of the tree stock in the municipality will increase in support of biodiversity. In the Trees Ordinance 2015, there was no framework to assess trees on their ecological value.

The duty to report creates a legal framework in which trees that no longer function properly or are sick can be replaced by better ones supported by growth site improvement. The 2015 Tree Ordinance lacked such a framework and these trees had to be preserved at ever-increasing costs. The obligation to report enables us to use better trees as replacements, so that scarce growing places are optimally used by trees that contribute as much as possible to climate adaptation and biodiversity objectives.

Thinning is a necessary management measure that supports biodiversity in forest plants. In the Trees Regulation 2015, by imposing a compensation obligation for every felling, this instrument could not be used. This was undesirable, the management measure thinning is intended precisely to create space in forest plants and thus increase the biodiversity and growth opportunities of the other trees in that area. That is why these new regulations have ensured that the compensation obligation does not apply to a permit for thinning. As a result, this necessary maintenance can be carried out again within established management plans in forest plants.

The tree fund should primarily function as an incentive to replant trees that are lost in urban developments. It has been found that even with 100% replanted value is left over in the fund. This intrinsic growth is caused by the fact that trees can only be planted up to a certain size, which often represent a lower cost than the current replacement costs that underlie the security deposits in the tree fund. Deposits that have fulfilled their function as a guarantee will be used for planting extra trees. In addition, we also use it for (the strengthening of) ecologically valuable greenery in the immediate vicinity of newly planted trees and recently planted trees. This is in favour of our climate adaptation and biodiversity targets.

In the context of compensation plans associated with granted permits, trees are planted, which have no specific protection. These young trees of significance are as a replacement for the trees cut down with permit, but they have not yet reached the size or age required for protection. As a result, when the trees are cut down, there is no obligation to compensate. That is why we are introducing a permit requirement for these young plantings in order to ensure that if they unexpectedly have to be cut down, they will be compensated.

INTRODUCTION

The municipality of Leiden is the cadastral owner of more than 64,000 trees in the city. In addition, within the municipal boundaries there is a multiple of this on the grounds of others. The whole of trees in the city is important for the green qualities of the living environment. Some of this can be regarded as extra valuable, from an ecological, climatic, dendrological or historical point of view.

This policy framework describes what the municipality of Leiden considers important for and on its tree stock, how it is determined which tree has which status and therefore protection, and what is important to maintain the tree stock of the municipality of Leiden in a practical and sustainable way.

VISION AND OBJECTIVES FOR TREES IN LEIDEN

The municipality of Leiden opts for a green quality with high ecological value in its tree stock that contributes to climate adaptation.

- To achieve this, all trees with a diameter of 14cm or more in the public space are protected.

- In addition, efforts are being made to protect valuable trees that contribute to biodiversity and climate adaptation.
- At the same time, for wood stands that are replaced or compensated for in spatial development, a range is used that contributes above average to biodiversity and climate adaptation.

Scope

The designation criteria and the protection regime apply to all trees and timber stands in the municipality of Leiden.

The valuable trees and timber stands of the municipality of Leiden can be determined on the basis of updated inspection data on the basis of the established designation criteria. Trees from third parties (individuals, organisations, associations and companies) are also tested on the basis of the criteria when applying for a permit.

The trees owned by the municipality of Leiden are recorded in the municipal tree data file. With each subsequent inspection of the trees and wood stands, this file is updated. Trees of third parties (such as on the premises of institutions, private individuals, Owners ' Associations or housing corporations) fall outside the municipal registration, but can be tested against the rules as laid down in the applicable ordinance.

Trees with a trunk diameter smaller than 14 centimetres measured at 1.30 metres above ground level (comparable to a trunk circumference of 45 centimetres) and which do not fall within category 1 (valuable), fall outside the scope of the policy framework and the associated regulation rules.

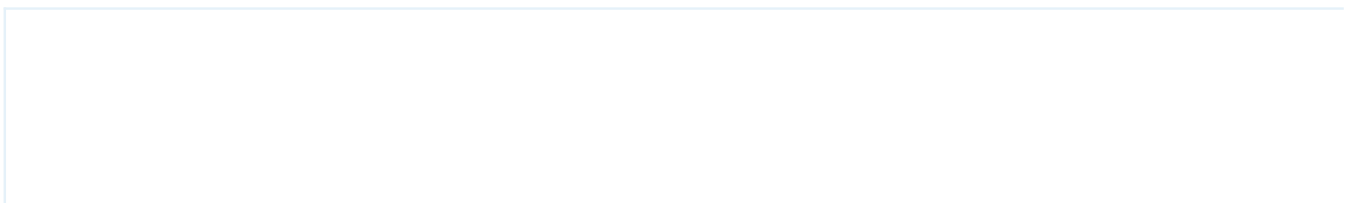
THE GREEN STANDARD

We introduce the Green Standard, which consists of a number of categories and designation criteria to indicate the levels of protection of the trees in Leiden. With this we describe how we protect trees with a monumental age, ecological and cultural-historical value or botanical specialness. These are divided into 2 status categories: the valuable and other functional trees.

The status categories are:

1. Functional trees on publicly accessible sites
2. Valuable trees
3. Valuable structures
4. Compensation for plantings
5. Other trees

The diagram below briefly shows what the categories entail, below which they are explained in more detail per category.



Category	Duty when felling	Obligation to compensate
1. Functional tree	<p>In case of tree in (re)development project: Permit requirement</p> <p>In case of more than 30% wood stand of a recognizable structure, within 1 growing season: Permit requirement</p>	Duty to replant with tree with equivalent or better green quality, unless there is no appropriate space, than financial compensation
	<p>In case of 1 individual tree or less than 30% of a recognizable structure within 1 growing season: Duty to report</p> <p>In case of duty under the Plant Diseases Act or burden under administrative coercion, no permit or notification</p>	Duty to replant with a tree suitable for location.
<p>2. Valuable tree:</p> <ul style="list-style-type: none"> - Monumental - Ecological - Cultural-historical - Special 	<p>Authorisation requirement, unless:</p> <ul style="list-style-type: none"> - Duty under the Plant Diseases Act or burden under administrative coercion, then no permit or notification 	<p>Obligation to replant with trees of equivalent or better green quality, unless:</p> <ul style="list-style-type: none"> - No appropriate space, than financial compensation - Private tree with safety risk or irreversible damage, then no compensation obligation
<p>3. Tree as part of valuable structure</p> <ul style="list-style-type: none"> - Park - Main ecological structure 		
4 Compensation for planting		
5 Other tree	No permit or reporting obligation	No obligation to compensate

Category 1: Functional trees on publicly accessible sites

Functional trees are the green decoration of the public space: streets, parking lots, and other publicly accessible areas (actual public access in accordance with the Road Traffic Act), and contribute to a pleasant living environment. For this, the basic protection applies to all individual wood stands of 14 centimeters in diameter at 130 centimeters height, with the following principles:

1. Growth location appropriate to the location, ambition for 30 to 60 years
2. Planted in a publicly accessible location

Explanation

Growing place for 30 to 60 years

A tree must be planted in the municipality of Leiden in such a way (growing place, underground and above-ground space) that the appropriate ambition age of 30 to 60 years is reasonably feasible. Trees in narrow residential streets are expected to be allocated less space than trees in a reasonably wide verge along a main road, but in both cases the aim is to find the most favorable growing place for the tree. The standards for growing places as stated in the current version of the Tree Handbook of the Tree Standards Institute are leading in this respect.

Planted in a publicly accessible location

Functional trees can be owned by the municipality of Leiden. These trees are registered in the municipal management system. In addition, Leiden has various locations that, although not owned by the municipality, do function as a publicly accessible location such as a parking lot, university grounds or entrance (actual public access in accordance with the Road Traffic Act). This category also includes trees that are still on private land, but that are known to decay into municipal property after planned (re)developments. The trees at these locations fulfil the same function for public space.

Category 2: Valuable trees Designation criteria:

The Green Standard has four designation criteria, namely:

1. Monumental age/size
2. Ecological value
3. Cultural-historical value
4. Detail

These designation criteria are the reasons or specific characteristics for designating a tree as a valuable tree. The tree should have at least 1 of the specific characteristics. The following is an explanation.

Monumental age/ tree size

An appealing size or age increases the value of a tree or wood stand. The planting year of the tree or the trunk diameter is used as a criterion for this.

A tree is considered valuable in the municipality of Leiden if the planting year is more than 80 years ago, or if the trunk diameter is more than 80 centimeters at 1.3 meters above ground level. As a rule, the age of the tree corresponds to a trunk diameter of more than 80 centimeters at 1.3 meters above ground level. There are species where that is not the case. In case of doubt about the planting year, the stem diameter is used where possible (species-dependent).

Ecological value

Trees and timber stands are important carriers of biodiversity and can have an important function for the survival of certain flora and fauna. This is a structural function for a certain animal or plant species. A colony tree of blue herons, for example, that has been used like this for years. Or a place to grow for a special

lichen species, mistletoe or other special plant species. These are trees where, after felling, another tree cannot simply take over the function (and mitigating measures would therefore not be sufficient).

Native and European tree species have a variety of relationships with other species such as birds and especially insects due to their evolutionary history with our landscape. The multiplicity of these relationships characterizes a robust ecosystem that resists diseases and pests and supports a diverse food web. This while exotics have few ecological relationships, therefore can proliferate and moreover do not contribute to a robust ecosystem.

Native, native species can also be of interest because of their value as autochthonous plant material due to their genetic originality. Genetic diversity within the species is important for a robust tree stock. That is why the municipality of Leiden prefers native plant material from, for example, the variety list for planting where possible. This material has a long evolutionary history in our country, is adapted to prevailing conditions and has sufficient capacity to adapt to the consequences of climate change.

The municipality of Leiden uses a Register of ecological trees. This concerns an overview of tree species of native or European origin that have a great added ecological value for Leiden. This list is updated if there is good reason for doing so (based on climatic changes or new scientific or phytosanitary insights).

A tree of an ecological species (at least 3 points on the ecological list) is considered ecologically valuable in the municipality of Leiden if the planting year is more than 50 years ago, or has a trunk diameter of more than 50 centimeters at 1.3 meters above ground level.

Cultural-historical value

Specific trees and timber stands can be part of local history or have a certain cultural-historical significance. The most famous are the memorial trees that have been planted on the occasion of special events.

Trees that are part of a protected cityscape or monument also often have great cultural-historical value. These are trees that are part of the design and determine the appearance of the cityscape or monument. Think, for example, of leilinden for a monumental farm.

Cultural-historical features include (but are not limited to):

- Memorial tree
 - King tree
 - Birth tree
 - Resistance tree
 - Eyewitness tree
- Ensemble with historic building (in accordance with the Monuments Act or Heritage Ordinance Leiden)
- Protected cityscape (in accordance with the Monuments Act or Heritage Ordinance Leiden)

Detail

Special tree species can also be valuable from a tree (dendrological) point of view. Think of an exotic tree species or a special breeding form or variety. Or there is a rare species.

A tree or wood stand is valuable as a special feature if it is used for the living environment of

is of great value and when felling, a new specimen can no longer easily be realized by replanting. Such trees are rare within the municipality of Leiden (maximum 10 adult specimens) and can therefore be called rare.

Category 3: Valuable structures

Valuable structures are several trees together that form a unit in a plane or line that as such is valuable to the environment.

The various green structures are recorded and described in the Workbook Green Main Structure. This green main structure consists of a number of parks and a number of streets with narrow or wider green areas along them.

The parks and the Green main structures as they are named in the Development Plan Green Main Structure (BW 18.0148), and recorded on map in implementation programme 2020-2023 - Leiden biodiverses and Climate proof (RV 20.0027) in figure 3.3, are considered valuable structures.

Furthermore, the Green Card (2017) contains a number of structures in the public space owned by the municipality of Leiden that are not in the aforementioned documents. These structures are also considered valuable structures.

Category 4: Compensatory plantings

In the context of compensation plans associated with granted permits, trees are planted. Under the current regime, these trees had no specific protection other than the duty of care under the permit to ensure the maintenance of the planted tree for 3 years. Because these young trees are important as a replacement for the trees that were cut down with a permit, they deserved extra protection. A protection that they do not have on the basis of the general rules because they have not yet reached the necessary size or age. As a result, when the trees are cut down, there is no obligation to compensate. That is why we are introducing a permit requirement for these young plantings to ensure that if they unexpectedly have to be cut down, they will be compensated.

Category 5: Other trees

Trees that are smaller than 14 centimeters trunk diameter at 1.30 meters above ground level (comparable to a trunk circumference of 45 centimeters) and that do not fall within category 1 (valuable) are outside the policies of this document. Incidentally, it also applies to these trees that the tree owner is responsible for planting and maintenance in such a way that the tree does not cause any nuisance and does not pose a safety risk to the environment.

By natural growth, or by adjusting the structural lines, it is possible that these trees will still meet the aforementioned criteria over time. In the case of trees belonging to third parties (individuals, organizations, companies, etc.), this must be checked by the tree owner himself. The municipality can also carry out random checks on this, for example by means of remote sensing.

Functional third-party trees

Functional trees from third parties are the green decoration of, for example, the gardens, and thus contribute to a pleasant living environment for private individuals.

Such trees have no other precondition than that they are larger than 14 centimeters trunk diameter at 1.30 meters above ground level (comparable to a trunk circumference of 45 centimeters). The tree owner is responsible for planting and maintenance in such a way that the tree does not cause any nuisance and does not pose a safety risk to the environment.

Individual trees in structures

Although trees are registered per individual, several trees are often in a line or plane and thus form a coherent picture. The municipality of Leiden would also like to protect these coherent units. The individual trees in a tree structure enjoy the same level of protection as functional trees (see category 2), unless they meet criteria for valuable trees or structures (category 1).

Tree structure in street or park

Almost in every street trees are planted in rows. Together they form a functional unit and have meaning for the green decoration of that street, in the form of image value but also ecological value. In parks, in addition to rows, there are also flat-shaped tree structures because the trees are close to each other in groups, so that the crowns together form 1 whole.

In many cases, trees in rows and planes will be replaced 1 on 1, and the row or plane will remain intact as a unit. If several trees are replaced in 1 go (sometimes the location and / or the type of the newly planted trees is adjusted) the function of the unit can be disturbed. The picture changes, and the specific ecological value of the row of trees also changes. Certain tree species attract specific species of flora and fauna, while other tree species and sometimes a different location attracts different flora and fauna. This should be taken into account in the consideration for larger adjustments to the structure.

Forest plants as a tree structure

As a contiguous whole, Bosplantsoen also counts as a structure because it forms a recognizable, coherent unit of trees.

Green structure plan Leiden

Linear or flat-shaped structures are of greater importance for the design of the city when there is an interrelationship with this arrangement. This means that the individual tree structures connect to other line structures or green areas, and often coincide with road structures and/or water structures. Together, the tree and green structures form a connecting green network, the green veining of the city.

This network of tree and green structures, represented as lines and surfaces, forms the green structure. This green structure, and the image that this structure is intended to give, is described and depicted in the Workbook Green Main Structure. This can be tested to determine whether the structure has not deteriorated as a result of interventions. If testing does not provide a clear answer, the final assessment lies with the Green Advisor.

Trees on flood defences

Leiden has many flood defences. These flood defences are often overgrown with trees. In some cases, a tree can be a danger to the integrity of the flood defence. For example, when their roots penetrate deep into the dike body, which can damage essential parts of the flood defence if the tree falls over. Permit applications or notifications for felling trees on flood defences therefore require specific attention. In those cases where water safety is demonstrably at stake, a tree can be cut down earlier than in regular cases.

PROTECTION REGIME

Authorisation and notification

Because of the focus on the valuable trees and the preservation of the structures, with equal

Effort a much greater degree of protection of the important trees are combined with sustainable management of structures. Moreover, in the event of replacement, this offers greater opportunities to stimulate biodiversity and climate adaptation.

Permit requirement

A permit must be applied for for felling, transplanting, rigorous pruning that changes the growth shape (such as knotting or candelabra for the first time, or pruning more than 40 percent of the crown) or otherwise endangering the survival of a valuable tree or damaging a valuable structure. This is not the case if there is disease or malfunctioning (quarring) of a valuable tree or tree in valuable structure. In that case, this can be cut down via the reporting obligation.

A permit must be requested for the felling of wood stands from a row or plane, including transplanting/moving, rigorous pruning or otherwise affecting the cohesion and/or appearance of a tree structure that can be recognized as a coherent unit. This also applies to thinning. Thinning is understood to mean the removal of tree formers from a wood stand as a maintenance measure to promote the growth of the remaining wood stand, whereby no area of the wood stand in question is lost, in accordance with an established management plan. Because thinning a control measure that is carried out according to an established management plan, there is no compensation obligation here. The (parts of) timber stands removed in the context of thinning with a permit do not have to be compensated (elsewhere).

For felling, transplanting, rigorous pruning or otherwise endangering the survival of trees during (re)developments in public space, or at locations that become part of the public space after completion, a permit must also be requested, so that the impact of the development as a whole on existing trees can be weighed.

The board can waive the imposition of a transplanting obligation for trees with an ecological value of less than 3 or if the costs of transplanting are higher than the current tree value.

Hailing

With this regulation, we are introducing a reporting obligation. This reporting obligation only applies to the felling of functional trees, larger than 14 centimeters trunk diameter, where there is a good reason for felling (safety, nuisance, seriously declining condition, social importance) and for sick or poorly functioning (quarrying) valuable trees, whereby replanting is carried out directly on site with a tree of comparable or higher ecological value. If these basic conditions are not met, the report will be rejected and the reporter will be informed of the permit requirement.

The report can only be made for one individual tree or for a maximum of 30% of a recognizable structure. In the second category, this structure can only be notified once per growing season. If more or more felling is required within that structure, a permit is necessary. The report will therefore not be accepted and the board will impose a logging ban in response to the report.

The notification is submitted to the college, just like a permit application. In a practical sense, the report takes place via a form on the municipality's website and the report ends up with the Environmental Permits Team, which then handles the report. The report must be accompanied by the information as described in Article 3.6.1.6, third paragraph of the Regulation. This includes at least an independently drawn up report on the condition of the tree and why it should be replaced.

The report will be published and after reviewing the report, the response will also be published. In this way, interested parties can take note of the reports in a timely manner. The board must respond to the content within 4 weeks of the report. This response may include:

- consent,
- detailed rules, or
- a ban.

A response to a report is in principle not a decision, except in those cases where there are further requirements or a prohibition following the report. In those cases, an objection may also be lodged by an interested party.

Remaining

For trees smaller than 14 centimeters trunk diameter, no permission or permit for felling is required, nor does this have to be reported.

Toetsing

Valuable trees

These are only cut down if there is a demonstrable safety risk (for the environment and/or traffic) that cannot be removed sustainably with tree-saving measures, or in the event of a major social interest.

Functional trees in public areas larger than 14 centimeters in diameter at 130 centimeters height

Functional trees mainly provide a suitable, green decoration. The moment a tree can no longer meet this requirement (mainly causes nuisance, is sick or has a bad condition that cannot be improved naturally) that can be a well-thought-out reason to remove the tree and (eventually) plant a tree that fits (better) on the spot. Before that choice is made, it must first be investigated whether one of these reasons cannot be sustainably removed with tree-saving measures.

A functional tree could be cut down if there is:

- well-founded nuisance (tested against nuisance standards in accordance with the policy document 'Strengthening and connecting greenery in Leiden', with the appendix 'Nuisance of trees?');
- reasonable social importance (improvement of the living environment, improvement of ecological and/or climate-adaptive values, or a remaining lifespan of less than 10 years, making felling socially justifiable for development);
- a safety risk to the environment or traffic that cannot be eliminated with proportionate tree-saving measures.

The consent for felling can be granted in two ways, by means of a notification or by means of a permit. A notification can only be used if it is possible to replace the tree directly on site (see also under Protection regime). In all other cases, a permit is required for felling.

Even in those cases where there is a major social interest, such as when the tree stands in the way of developments or redevelopment, a notification is not sufficient and a permit is necessary.

Tree structures

If several trees in a structure that can be recognized as a coherent unit have to be cut down or if there is felling in the context of a spatial development, a permit must be applied for, whereby the preservation or improvement of the coherence of the structure must also be tested. The assessment is based on established structural values (ecology, image), either in a development plan or in a Green Structure Plan. The municipality (in person of the green policy advisor) gives the final verdict on this.

In addition, if parts of or an entire structure have to be cut down, it is also examined whether (parts of) structures are also cut down in the area around it, and what impact this has on the whole of trees in that area. The starting point is that a clearcut may not take place within a short time. To prevent this, where necessary and possible, the felling and replanting is carried out in phases.

Safety

If trees need to be cut down for safety reasons, the safety risk shall be demonstrated by the applicant using recent inspection data demonstrating the risk. The inspection must have been carried out by a European Tree Technician (ETT) or someone with an equivalent certificate.

It must also be demonstrated that the safety risk cannot be sustainably eliminated with tree-saving measures that are proportionate to the value (financial, ecological, climate-adaptive) that the trees represent.

TREES IN SPATIAL (RE)DEVELOPMENTS

Quickscan and Trees Effect Analysis

Quick scan

If spatial developments (with or without any social interest) are foreseen in which trees are involved, a quick scan must be carried out to determine whether intended developments and activities for this purpose could affect trees present in or near the area.

A quick scan is carried out if there are trees in the area to be developed, or:

- If trees are present within a radius of 50 meters from the project boundary;
- If trees are present along possible approach routes of construction traffic;
- If there is well drainage. The influence of a changed groundwater level on the trees in a radius of 1 kilometer around the project area must be taken into account.

Trees Effect Analysis

If the quick scan shows that the development can indeed affect the trees, a Tree Effect Analysis (BEA) must be carried out. Not only does this show the influence of the development on the trees, it can also be used to calculate what the financial consequence will ultimately be.

The BEA's system is now a national guideline for mapping the possible effects of plans on trees, provides advice and also provides the possible alternatives. It is made clear which conditions must be included in a specification in order to be able to maintain the existing trees in the same condition during and after completion of work.

The inventory of the existing trees should be carried out where possible in the first phase (exploration or preliminary design phase) of a project. At that time, the planning has not yet been determined, but a number of important decisions are being taken in which sufficient account can be taken of the trees present. Inventory in the first phase of a project can save time in a later phase.

The next phase is the design phase. The preliminary draft plan has been finalised, but there is no final decision yet. The developer makes choices for the final execution. At the end of this phase, the final design is ready and it is therefore concrete what the work entails exactly. This phase is suitable for integral decision-making with a BEA. Together with the building application, the municipality examines whether it is necessary to remove the trees in the area to be developed. This also affects the trees adjacent to the planning area. Construction activities also require space that must be arranged in such a way that trees are affected as little as possible.

The BEA assesses these points independently, prior to the implementation of the development plans. The test guarantees the quality of the trees and guarantees a good assessment of all effects and possible alternatives. The results of the BEA are taken into account in the decision-making process regarding construction or construction.

Cables and pipes

A permit is required for excavations in public land. In the case of an excavation permit, the municipality of Leiden assesses the possible negative effects of the excavation work to be carried out for trees.

An important condition is that roots with a diameter of more than 5 centimeters must not be damaged during excavation work. Damage to this has direct consequences for the stability (and therefore the safety) and the condition of trees.

If it is unavoidable to carry out excavation work in this zone, this must be carried out either manually or via the 'suction method' (the mechanical suction of the soil between the roots). The utmost caution should be exercised.

Companies that carry out earthworks must comply with the general regulations of the municipality of Leiden when felling and/or damaging trees. In some cases, the municipality wants to make more use of the right to recover the damage to trees caused by work from the causer.

View of the execution of work on trees by a (municipal) supervisor is necessary to be able to demonstrate when damage has been caused. The municipality is committed to inspecting the condition of trees in advance during work (a 'baseline measurement') and to carry out a tree inspection again upon delivery. Prior to all work in and around trees, the municipality concretely stipulates in the work specifications that damage is subject to a fine (penalty clause). If there is still uncertainty and possible discussion about the extent of the damage and the amount of the fine, an appraiser of the NVTB is called in, who expresses the damage in a monetary value.

REPLANTING AND COMPENSATION

Replanting and compensation after felling

When removing a single functional tree, replanting should be done 1 on 1 as much as possible. The starting point is that the new planting must fit the intended planting location, in terms of species and appearance, but especially in terms of above- and underground growth space, in accordance with the guidelines in the current version of the Tree Handbook of the Tree Standards Institute.

When removing a tree subject to a permit (valuable, more than 30 percent of a coherent structure, or in the context of a spatial development), replanting must take place, with a tree that potentially has the same or a better green quality (ecological value, crown volume) as the tree to be removed.

This replanting is protected by means of the permit requirement for compensation for planting. If this replant has to be cut down, a replanting obligation applies under all circumstances.

In all cases, a compensation plan shall be drawn up, which shall in any case include:

- where replanting takes place,
- with how many and which trees of which plant size and amount of growing space,
- how this compensates the trees to be felled in terms of ecological value, climate adaptation and image values for the immediate living environment.

In the event that a private valuable tree has to be removed due to an irreversible deterioration or a safety risk, the replanting and compensation obligation for the owner expires. This only applies in those cases where the tree in question has been affected by disease or pest in such a way that life expectancy is less than 5 years, or because there is an (acute) safety risk that can no longer be eliminated with tree-saving interventions (which in terms of cost and effort are one to one in proportion to the value of the tree to be protected).

Replacement ladder trees		
<i>When removing a tree, replanting should take place:</i>		
1. In the same place or location (1:1). <i>If this is not possible, the following follows:</i>		
	2. Adjacent to the location. <i>If this is not possible, the following follows:</i>	
		3. Financial compensation in favour of replanting elsewhere in the city. (via Bomenfonds)

Trees to be felled within a mill biotope are compensated outside the inner 100 meters of the mill biotope. When replanting within the rest of the mill biotope (100 to 400 meters from the mill), the intended end height of the tree to be planted must be taken into account.

For all replanting, physically or financially, at least 3 years of aftercare is provided. If interim loss is necessary, a period of 3 years of aftercare starts again.

For trees that fall under the regulations of the Nature Conservation Act, replanting must take place within 3 years after felling. In practice, the municipality of Leiden strives for replanting within 1 year.

Forest plants

When removing trees from a forest planting area (thinning) according to an established management plan, there is no question of felling but of a maintenance measure, and therefore no applies

permit requirement or reporting obligation, and does not need to be replanted. However, prior to the implementation of this maintenance measure, the residents are actively informed. (See section *Protection regime*).

If a contiguous part of a forest planting area is removed, this does not count as thinning but as sheets, and a permit is required, because a recognizable, coherent unit of trees is affected. The removed forest plant must therefore be replaced. Based on the number of square meters removed, the same area should be replanted. This does not look at the number of trees or tree formers to be removed.

Tree Fund

Trees that are removed in the context of a (re)development with a permit for felling, but cannot be replanted at or near the same location, are financially compensated in the Tree Fund. Trees that have been felled without a permit, and trees that have been removed due to Dutch elm disease, are also compensated in this way by the offender or entitled party.

The value to be compensated is determined according to the applicable method of the Dutch Association of Taxateurs van Bomen (NVTB).

The funds in the Tree Fund are used for planting new trees or other green structures worthy of protection. Each deposit that is made in a permit in accordance with the regulations is specifically earmarked for a designated planting project, which is also laid down in that permit.

The reserve of the Tree Fund (funds that are left over after the financing of new plantings) can also be used to improve growth sites of specifically designated trees, or to strengthen the tree stock. Investments can also be made in ecologically valuable greenery in the immediate vicinity of new trees to be planted.

Ecological compensation

For new plantings or replants and for the compensation obligation, the municipality of Leiden chooses species that fit the intended planting location, paying attention to the final image (crown width, height, root package) in relation to the available above- and underground growth space. In addition, it is important to choose species in an ecological heterogeneous planting context that support biodiversity (feeding and/or residence of various types of fauna) and contribute to climate adaptation (shading and temperature damping, evaporation, water buffering, wind capture).

In order to implement this, the college draws up a register of ecological trees. In this register, an ecological value is assigned to tree species based on their ecological functionality. Tree species of native or European origin have a great added ecological value for Leiden and therefore receive a higher ecological rating in the register. This list is updated if there is good reason for doing so (based on climatic changes or new scientific or phytosanitary insights).

At least half of the compensation for spatial developments consists of trees with an ecological rating of 2 or more and does not include trees with an ecological rating of 0 or -1. Here, too, an ecological heterogeneous planting relationship is sought.


The above laws can be deviated from at locations where, due to pavement and limited underground growth site, more results for climate adaptation can be expected from exotic species with ecological rating 0.

Tree species that are not on this list can be submitted to the college for assessment.

Plantation

Finally, the added image value of the tree to be planted for the

direct living environment, which can include specific leaf shapes and colors, and inflorescences.

The standard planting size is 16-18 /18-20  (centimeters trunk diameter at 130 centimeters above ground level). Where there is room for larger trees, it is preferable not to plant larger, but to invest in sufficient underground growing space so that the tree can catch on well and can also reach the desired end size.

The precise guidelines for planting are included in the Public Space Quality Manual.

COMMUNICATION

The municipality of Leiden wants to focus on a transparent, timely and accurate provision of information about (work around) trees to its residents.

Permit applications are published by default, as are the decisions on them. The same method will also be used for logging reports, in order to give residents insight into the intended logging activities. In the event of a report, an objection can only be made directly in a few cases, so this is different from permit applications. However, through the publication of the reports and the response of the board, we can check where and why logging is taking place. If one sees reason to do so, one can hold the board to account for not correctly implementing its policy regarding logging reports and the regulations that go with it.

Also in the implementation of management measures (pruning, knots, thinning) in accordance with management plans, the municipality wants to actively inform its residents, so that they know what is going on in the neighborhood and city. This can be done by publishing a message per activity, and also making recorded schedules digitally accessible.

Signature

Done at the public council meeting of 13 and 15 July 2021, the Registrar,

dhr. G. F.C. Van Leiden de

President,

H.J.J. Lenferink Hotels

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